

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DEBORAH RASBY and DOUGLAS  
RASBY, husband and wife,**

**Plaintiff,**

**vs.**

**JAMES D. PILLEN, an individual,**

**Defendant.**

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**CASE NO: 8:15-cv-226**

**DECLARATION OF DIANA J. VOGT**

Diana J. Vogt, hereby states and declares as follows:

1. I am an individual over the age of 21 years and suffer from no disability which would preclude my testifying truthfully to all matters set forth herein.
2. I am counsel for the Plaintiff and, as such, have personal knowledge of the matters set forth herein.
3. Since the inception of this litigation I have raised my concerns about Mr. Pillen's full disclosure of documents. I have raised Defendant's inadequate production of documents and answers to discovery multiple times with Defendant's counsel in-person, over the telephone, and through email.
4. On March 22, 2016, I sent a letter to Tim Engler ("Engler"), counsel for the Defendant. In that letter, I raised numerous deficiencies with Defendant's production of documents, stressing that I believed there were many document missing. In addition to these issues, I also made the point that Defendant demanded short discovery deadlines and that many of the discovery disputes would be solved if Defendant would simply cooperate with proper discovery

procedures. A true and correct copy of this letter is attached hereto as Exhibit “A.”

5. On June 28, 2017, I sent a series of emails to Engler counsel for the Defendant. In those emails, I expressed my concern that Defendant had not fully complied with discovery and requested that if that was the case to inform me, as I did not want to bother the Court with multiple motions to compel. I informed Engler that there appeared to be a failure to disclose emails, communications, and bills. A true and correct copy of this letter is attached hereto as Exhibit “B.”
6. On July 14, 2017, I sent another email to Engler. In that email, I expressed concern that Defendant’s production of documents was not complete. A true and correct copy of this letter is attached hereto as Exhibit “C.”
7. Multiple times during various depositions in this case I have raised the issue of incomplete disclosure of documents and answers with Defendant’s counsel.
8. I declare under penalty of perjury on this 20<sup>th</sup> day of September, 2017 that the matters set forth above are true and correct to the best of my information and belief.

/s/ Diana J. Vogt  
Diana J. Vogt

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of September, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system of the United States Federal Courts which will provide a true and correct copy of the filed document to each party registered for electronic service. I certify that I am not aware of any parties who are not registered with the CM/ECF system.

/s/ Diana J. Vogt  
Diana J. Vogt

